



NATURAL RESOURCES DEFENSE COUNCIL

March 5, 2008

Via electronic mail and U.S. mail

Elizabeth Jennings  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Dear Ms. Jennings,

Please find enclosed the petition for review submitted by the Natural Resources Defense Council ("NRDC") and Monterey Coastkeeper, captioned "*In the Matter of the Petition of NRDC and Monterey Coastkeeper for Review of Action by the California Regional Water Quality Control Board, Central Coast Region, In Approving the City of Salinas Storm Water Management Plan, Resolution No. R3-2008-0012*" ("petition for review"). As we indicated to you previously, we are requesting that the petition for review be held in abeyance for the standard one-year period by the State Water Resources Control Board. In connection with our request, and based on the permission we received earlier from your office to provide sufficient citations in the petition for review *in lieu* of separate points and authorities, we are not enclosing separate points and authorities at this time. As we discussed, however, NRDC and Monterey Coastkeeper reserve the right to submit further briefing if the petition for review is taken out of abeyance.

Please feel free to contact us if you have any questions about the petition for review at 310-434-2300.

Sincerely,

David S. Beckman  
Natural Resources Defense Council

1 DAVID S. BECKMAN, Bar No. 156170  
2 NOAH J. GARRISON, Bar No. 252154  
3 JAMES B. LOUNSBURY, Bar No. 253895  
4 NATURAL RESOURCES DEFENSE COUNCIL, INC.  
5 1314 Second Street  
6 Santa Monica, CA 90401  
7 Telephone: (310) 434-2300  
8 Facsimile: (310) 434-2399  
9 dbeckman@nrdc.org  
10 ngarrison@nrdc.org  
11 blounsbury@nrdc.org  
12  
13 Attorneys for NATURAL RESOURCES  
14 DEFENSE COUNCIL, INC.

11 STATE OF CALIFORNIA  
12 STATE WATER RESOURCES CONTROL BOARD

14 In the Matter of the Petition of NRDC and	)	
15 Monterey Coastkeeper For Review of	)	PETITION FOR
16 Action by the California Regional Water	)	REVIEW OF CENTRAL
17 Quality Control Board, Central Coast	)	COAST REGIONAL WATER
18 Region, In Approving the City of Salinas	)	QUALITY CONTROL
Storm Water Management Plan,	)	BOARD ACTION OF
Resolution No. R3-2008-0012	)	ADOPTING RESOLUTION
	)	No. R3-2008-0012

20 Introduction

21 In accordance with section 13320 of the California Water Code and section 2050 of Title  
22 23 of the California Code of Regulations, the Natural Resources Defense Council ("NRDC") and  
23 Monterey Coastkeeper (collectively "Petitioners") hereby petition the State Water Resources  
24 Control Board ("State Board") to review the February 8, 2008 final decision of the California  
25 Regional Water Quality Control Board for the Central Coast Region ("Regional Board") approving  
26 the Storm Water Management Plan for the City of Salinas ("City"), Resolution R3-2008-0012.

27 The City of Salinas Storm Water Management Plan ("SWMP") is required by, and must  
28 comply with, the Waste Discharge Requirements for the City of Salinas Municipal Storm Water

1 Discharges (“Permit”).<sup>1</sup> According to the Permit, the SWMP is the operative document whereby  
2 the City must detail how it will reduce pollutant discharges to the maximum extent practicable  
3 (“MEP”) and meet water quality standards. The Permit specifies that the SWMP must commit to  
4 implementation of Best Management Practices (“BMPs”) to address storm water discharges and  
5 submit a revised SWMP to update and include eight “major program elements,” including a  
6 Development Standards Component. These requirements, including programs implementing Low  
7 Impact Development (“LID”) standards for future construction, are critical in light of the rapid  
8 pace of urban and suburban expansion in Salinas. The City’s current development plans include  
9 3,400 acres of land, over 15,000 new homes, and 16 million square feet of non-residential  
10 development, all of which has the potential to significantly impact area waters such as the  
11 Monterey Bay National Marine Sanctuary. (See Regional Board, Staff Report for Regular Meeting  
12 of February 7-8, 2008, Item No. 17, at 10-11.)

13 This Petition is brought to remedy a series of significant legal violations that have  
14 impaired, and continue to impair, water quality in the Salinas area, including in the above-  
15 referenced Monterey Bay. The SWMP fails to meet the federal and state requirements as set forth  
16 in the General Permit, the Clean Water Act, and the Porter-Cologne Act. Specifically, the SWMP  
17 fails to meet the MEP standard and fails to protect water quality because it lacks specificity and  
18 commitments in critical components of the program, as enumerated in Section 4, *infra*. See 33  
19 U.S.C. § 1342(p)(3)(B)(iii); 40 C.F.R. § 122.26(d)(2)(iv); *Environmental Defense Ctr. v. EPA*,  
20 344 F.3d 832 (9th Cir. 2003); *Building Indus. Ass’n v. State Water Res. Control Bd.*, 124 Cal. App.  
21 4th 866 (2004). Moreover, in adopting a SWMP that is patently incomplete, the Regional Board  
22 violated fundamental public participation, administrative, and fair hearing obligations, also  
23 enumerated in Section 4, *infra*. See 40 C.F.R. §§ 25.3, 25.5; Cal. Water Code §§ 13384, 13801;  
24 *Environmental Defense Ctr. v. EPA*, 344 F.3d 832 (9th Cir. 2003); Cal. Code Regs. tit. 23 § 11384.  
25 Despite publicly recognizing these points as true during the adoption process, the Regional Board  
26 nonetheless inappropriately and illegally approved the program.

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28 <sup>1</sup> Regional Board Order No. R3-2004-0135-DWQ; NPDES Permit No. CAS0049981.

1                                    Summary of Factual Background and Relevant Time Periods

2            On February 11, 2005, the Regional Board adopted Waste Discharge Requirements for the  
3 City of Salinas Municipal Storm Water Discharges (Order No. R3-2004-0135) (“Permit”). Rather  
4 than setting out explicit requirements and commitments to be implemented by the City, the Permit  
5 deferred development of these required program components; it required the City to submit a  
6 revised SWMP to the Regional Board within 180 days of the Permit’s adoption. In doing so, the  
7 Regional Board violated regulations requiring that NPDES permits themselves set forth controls to  
8 reduce the discharge of pollutants to the maximum extent practicable.<sup>2</sup> The Permit adoption’s  
9 illegality has only been compounded by the Regional Board’s subsequent adoption of a SWMP  
10 that is wholly inadequate and defers the development of necessary controls to the future *yet again*.  
11 While adoption of a proper SWMP would not have exonerated the Regional Board’s approval of  
12 the Permit, in its adopted form the SWMP once again illegally defers the establishment of controls  
13 to reduce the discharge of pollutants to the MEP, and fails to allow adequate public participation or  
14 review. To highlight this problem, Attachment 4 of the Permit required that the City prepare both  
15 a Development Standards Plan for Low Impact Development (“LID”) and Stormwater  
16 Development Standards which “will specify the requirements for submitted development plans.”  
17 To date, the Development Standards have not been made available for public review and comment  
18 on either the City of Salinas or Regional Board websites.

19            In July 2006, the City delivered a draft SWMP to the Regional Board, but subsequently  
20 withdrew the draft a month later. On September 1, 2006, more than one and one-half years after  
21 the Permit’s adoption and a full year after the due date required by the Permit, the Regional Board  
22 issued a Notice of Violation for the City for failure to timely submit a revised SWMP. (*See*  
23 Regional Board, Notice of Violation for City of Salinas, Order No. R3-2004-0135, Waste  
24 Discharge Requirements for City of Salinas Municipal Storm Water Discharges; Monterey  
25 County, September 1, 2006.) In the Notice, Regional Board staff stated that the July 2006 draft  
26 had generated “substantial comments about necessary revisions” and “concern” among staff.

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27  
28            <sup>2</sup> NRDC made these points in a comment letter on the Permit dated December 23, 2004.

1 The City released a revised draft SWMP shortly thereafter. NRDC submitted timely  
2 comments to the City that described, in detail, the SWMP's numerous inadequacies. (NRDC letter  
3 to City, September 29, 2006.) NRDC commented that the draft Chapter 4 of the SWMP  
4 (describing "Development Standards") failed to devise required program elements or provide any  
5 information as to what actions the City intended to take to comply with the Permit. In particular,  
6 the City's LID requirements suffered from lack of detail and lack of actual programmatic  
7 commitments. NRDC further commented that the City's Stormwater Development Standards had  
8 not yet been made available to the public, making it impossible to comment meaningfully on the  
9 draft.

10 The Regional Board also commented on the revised draft SWMP. In a letter to the City,  
11 the Regional Board stated that Chapter 4 of the SWMP "needs to be changed to produce a  
12 practical, enforceable document that will protect water quality," and suggested numerous and  
13 extensive revisions to the SWMP. (Regional Board letter to City, October 17, 2006.) However,  
14 despite the Regional Board's concerns that the draft SWMP was unacceptable in its current state,  
15 and despite the lack of completed Stormwater Development Standards, the City Council still voted  
16 to approve the SWMP for submittal to the Regional Board.

17 On February 7, 2007, the City of Salinas finally responded to NRDC's letter of September  
18 29, 2006. The City stated that it would incorporate both the Development Standards Plan and  
19 Stormwater Development Standards into the SWMP by reference after their anticipated  
20 completion sometime in March 2007. However, the City subsequently submitted an only modestly  
21 revised SWMP to the Regional Board in June 2007. Due to the City's continued delay and slow  
22 rate of progress in adopting Development Design Standards, and recognition that the City's  
23 Development Standards Plan was inadequate to serve as a foundation for drafting the Stormwater  
24 Development Standards, Regional Board staff recommended issuing a Cease and Desist Order  
25 with a time schedule to the City. (Regional Board, Staff Report for Regular Meeting of July 6,  
26 2007, Item No. 9, at 1.) Board staff stated that the City was "not providing adequate public notice  
27 and review" for its draft ordinances. Staff considered the lack of completed Development Design  
28 Standards to be of the "greatest concern" because, "any development that is approved without LID

1 becomes a permanent source of excessive, urban-pollutant laden stormwater runoff,” whose  
2 impacts are “long-term and virtually irreversible.” (*Id.*)

3 On October 2, 2007, the Regional Board issued final comments to the June 2007 SWMP.  
4 Despite explicitly finding that the SWMP “contains too many weak or missing components to  
5 meet the MEP standard,” the Board claimed that the SWMP would meet MEP if it was revised to  
6 include an extensive list of modifications contained in an attachment to its comments. (Regional  
7 Board letter to the City, October 2, 2007.)

8 The Regional Board noticed the Consideration of Adoption of the June 2007 SWMP, to  
9 which NRDC commented that in most regards the June 2007 SWMP was nearly identical to its  
10 2006 predecessor, and represented at best a “plan for a program” rather than a program in its own  
11 right. (NRDC letter to Regional Board, November 29, 2007.) The NRDC letter pointed out that  
12 the SWMP referenced numerous other documents for incorporation, but that these documents were  
13 “either non-existent or unavailable on the City’s and [Regional Board’s] websites.” (*Id.*) Further,  
14 the City’s Stormwater Development Standards still had not been released for public review,  
15 rendering it impossible to sufficiently review the SWMP or for the City to comply with the Clean  
16 Water Act. NRDC noted that even if the City were to incorporate all of the Regional Board’s  
17 suggested revisions into the SWMP, it would still fail to meet MEP; the required changes were  
18 open ended and again unlawfully deferred development of required programs to unspecified future  
19 dates. NRDC further stated that to the extent the Regional Board was considering adoption of the  
20 SWMP in advance of the suggested revisions actually being incorporated and a final version made  
21 available for public review, it would violate public participation requirements.

22 On December 3, 2007, the City urged the Regional Board to adopt the SWMP based on its  
23 agreement to implement the majority of the Regional Board’s suggested changes. (City letter to  
24 Regional Board, December 3, 2007.) However, the City inexplicably rejected Board staff  
25 comments regarding LID implementation. NRDC responded to the City’s letter in turn,  
26 underscoring that not only did the City’s SWMP continue to fail to meet the MEP standard, but  
27 that the Board comments did not go far enough towards ensuring that MEP would be met either.  
28 (NRDC letter to Regional Board, December 20, 2007.) Despite the SWMP’s reliance on the

1 Stormwater Development Standards as a source for selection of site-design BMPs, the SWMP  
2 again failed to include this document for public review. Steve Shimek with the Monterey  
3 Coastkeeper repeatedly requested a copy of the Stormwater Development Standards, but did not  
4 receive them until January 7, 2008, well after the comment deadline for the draft SWMP had  
5 passed. Mr. Shimek was subsequently informed that portions of a report on the City's proposed  
6 Stormwater Development Standards authored by Kennedy/Jenks, the Regional Board's consultant,  
7 would not be provided, frustrating any possibility of further review of the SWMP's adequacy.

8 At its February 8, 2008 hearing, Petitioners again objected to the process for adoption of  
9 the SWMP and the City and Regional Board's failure to provide the documents necessary for its  
10 review. (*See* NRDC, Testimony for February 8, 2008, Public Hearing on City of Salinas  
11 Stormwater Management Plan, February 4, 2008.) The Regional Board dismissed Petitioners'  
12 objections and approved the SWMP. The Board apparently justified its approval on the grounds  
13 that the City had agreed to make many of the revisions suggested by Board staff. But the revisions  
14 do not make the deficient SWMP meet the MEP standard. Moreover, the programs that will be  
15 developed in accordance with the revisions are not subject to review by the Board or the public  
16 after they have been drafted. Thus, the Board cannot ensure that the MEP standard will be met  
17 based on the ill-defined changes it required, and the continued deferral of any requirement to  
18 actually define program elements means that the public will never have the opportunity to review a  
19 final, fully integrated SWMP—the public simply can never catch up. The Regional Board's  
20 decision appears all the more groundless based on the report of its own staff, which stated: "Water  
21 Board staff are concerned that the City's process of drafting [LID] [s]tandards has been drawn out  
22 over time, while in the meantime, development projects continue to be designed and built that may  
23 not be in compliance with the City's permit, an approved SWMP, or the approved Development  
24 Standards. *This issue is critical in Salinas, as the City's current development plans include*  
25 *approximately 3,400 acres of land, 15,100 new homes, and 16 million square feet of non-*  
26 *residential development.*" (Regional Board, Staff Report for Regular Meeting of February 7-8,  
27 2008, Item No. 17, at 10-11 (emphasis added).) Thus, despite a two year legacy of delay, failure to  
28 craft or provide critical documents required by the Permit and incorporated by reference into the

SWMP, and repeated comments by both Petitioners and Board staff to indicate the SWMP failed to meet MEP or even outline a reviewable program, the Regional Board voted to approve the plan.

1. PETITIONERS' NAMES, ADDRESSES, TELEPHONE NUMBERS, AND EMAIL

ADDRESSES:

NATURAL RESOURCES DEFENSE COUNCIL, INC.

David S. Beckman (dbeckman@nrdc.org)

Noah J. Garrison (ngarrison@nrdc.org)

James B. Lounsbury (blounsbury@nrdc.org)

1314 Second Street

Santa Monica, CA 90401

Telephone: (310) 434-2300

MONTEREY COASTKEEPER

Steve Shimek (exec@otterproject.org)

3098 Stewart Court

Marina, CA 93933

Telephone: (831) 883-4159

2. THE ACTION OR INACTION OF THE REGIONAL BOARD BEING PETITIONED INCLUDING A COPY OF THE ACTION BEING CHALLENGED:

Petitioners seek review of the Regional Board's February 8, 2008 approval of the City of Salinas Storm Water Management Plan, Resolution No. R3-2008-0012. A copy of the Resolution is attached to this petition.

3. THE DATE ON WHICH THE REGIONAL BOARD ACTED:

February 8, 2008.

4. A STATEMENT OF THE REASONS THE ACTION WAS INAPPROPRIATE OR IMPROPER:

In approving the SWMP, the Regional Board failed to act in accordance with relevant governing law, acted arbitrarily and capriciously, without substantial evidence, and without adequate findings. Specifically, but without limitation, the Regional Board:

- A. Failed to comply with the mandates of *Environmental Defense Ctr. v. EPA*, 344 F.3d 832 (9th Cir. 2003), by requiring substantial future revisions to the SWMP without appropriate opportunity for public review or comment on a



1 final document. *See* 33 U.S.C. § 1342(a)(1); 40 C.F.R. § 122.26(d)(2)(iv);  
2 *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965) (discussing failure to  
3 provide adequate public opportunity to be heard “in a meaningful manner”).

4 B. Failed to comply with the mandates of both *Environmental Defense Ctr. v.*  
5 *EPA*, 344 F.3d 832 (9th Cir. 2003) and *Waterkeeper Alliance v. EPA*, 399  
6 F.3d 486 (2nd Cir. 2005), by deferring the drafting of substantive portions  
7 of the SWMP to the City, without any further review by the Board or public,  
8 thereby approving an “impermissible self-regulatory permitting regime.”

9 C. Failed to make sufficient findings “to bridge the analytical gap between the  
10 raw evidence and ultimate decision”—approval of the SWMP. *Topanga*  
11 *Assn. for Scenic Cmty. v. County of Los Angeles*, 11 Cal. 3d 506, 515  
12 (1974). The Board acted arbitrarily and capriciously because the ultimate  
13 decision of adopting the SWMP is not supported by the findings, the  
14 findings are not supported by the weight of the evidence in the  
15 administrative record, and the administrative record does not support the  
16 ultimate decision adopting the SWMP, thus, resulting in an abuse of  
17 discretion. *See id.*; Cal. Civ. Proc. Code § 1094.5.

18 D. Failed to ensure that the SWMP’s components satisfy the Clean Water Act’s  
19 mandate to require “controls to reduce the discharge of pollutants to the  
20 maximum extent practicable.” Permit, Finding 14; Permit at 8; 33 U.S.C. §  
21 1342(p)(3)(B)(iii); 40 C.F.R. §§ 122.26; *Environmental Defense Ctr. v.*  
22 *EPA*, 344 F.3d 832 (9th Cir. 2003); *Building Indus. Ass’n v. State Water*  
23 *Res. Control Bd.*, 124 Cal. App. 4th 866 (2004); *Defenders of Wildlife v.*  
24 *Browner*, 191 F.3d 1159 (9th Cir. 1999).

- 25 • SWMP inappropriately deferred development of numerous plans.
  - 26 • SWMP failed to meet MEP regarding Development Standards.
- 27  
28

- SWMP failed to meet MEP regarding details to assess compliance with Permit Attachment 4 (Stormwater Management Plan Revision Requirements).
- SWMP failed to meet MEP regarding identification of minimum BMP requirements for stormwater treatment.
- SWMP failed to assure control of storm water pollution impacts on environmentally sensitive areas, areas of special biological significance, and endangered or threatened species.
- SWMP failed to assure compliance with receiving water limitations language in the General Permit, Attachment 4.

E. Failed to assure that the SWMP and underlying programs contained therein would prevent regulated discharges from causing or contributing to violations of water quality standards. *See* Permit, at 5, 6-7.

F. Failed to respond adequately to factually and legally specific comments from public interest organizations concerning highly significant matters, such as the SWMP's compliance with the maximum extent practicable standard and other related matters. *See* 33 U.S.C. § 1342(a)(1); 40 C.F.R. § 25.5; 40 C.F.R. § 122.26(d)(2)(iv).

G. Acted in approving the SWMP in these respects without evidence in the record. Cal. Civ. Proc. Code § 1094.5.

H. Failed to act in accordance with federal and state agency policy, which states that:

(1) Public agencies should encourage full presentation of issues at an early stage so that they can be resolved and timely decisions can be made;

(2) The government should not make any significant decision on any activity covered by this part without consulting interested and affected segments of the public;

- 1 (3) Government action should be as responsive as possible to public  
2 concerns;  
3 (4) Public involvement in implementing environmental laws should  
4 be encouraged;  
5 (5) The public should be kept informed about significant issues and  
6 proposed project or program changes as they arise;  
7 (6) All feasible means should be used to create opportunities for  
8 public participation, and to stimulate and support participation; and  
9 (7) Agencies should foster a spirit of openness and mutual trust  
10 among EPA, States, substate agencies and the public. *See* 40 C.F.R.  
11 § 25.3.

- 12 I. Failed to provide adequate public notice and opportunity to be heard “at a  
13 meaningful time and in a meaningful manner.” *See Armstrong v. Manzo*,  
14 380 U.S. 545, 552 (1965); *Gross v. Lopez*, 419 U.S. 565 (1975) (notice of  
15 action and facts on which it is based); 40 C.F.R. §§ 25.4; 124.10; 124.12;  
16 Cal. Gov’t Code § 11425.10.
- 17 J. Failed to provide a fair hearing, including fair procedure, in accordance with  
18 Cal. Civ. Pro. Code § 1094.5, which governs the inquiry into the validity of  
19 any final administrative order or decision made as the result of a proceeding  
20 in which by law a hearing is required to be given. “The inquiry in such a  
21 case shall extend to the questions whether . . . there was any prejudicial  
22 abuse of discretion. Abuse of discretion is established if the respondent has  
23 not proceeded in the manner required by law, the order or decision is not  
24 supported by the findings, or the findings are not supported by the  
25 evidence.” Cal. Civ. Pro. Code § 1094.5(b); *see also Morgan v. U.S.*, 304  
26 U.S. 1, 18 (1938) (stating that fairness requirement extends not only to the  
27 hearing but also to all procedures before and after the hearing).  
28

1 5. HOW THE PETITIONERS ARE AGGRIEVED:

2 Petitioners are non-profit, environmental organizations that have a direct interest in  
3 protecting, *inter alia*, the quality of waters in the City of Salinas and Monterey County, including  
4 the waters of the Monterey Bay National Marine Sanctuary. NRDC represents approximately  
5 130,000 members in California, thousands of whom reside in Monterey County. Monterey  
6 Coastkeeper is an organization that champions clean water and strong communities through  
7 watershed protection. Petitioners' members are aggrieved by the SWMP's inadequacy and,  
8 thereby, the City's inability to control polluted storm water runoff or to protect the beneficial uses  
9 of receiving waters in accordance with the Clean Water Act. In particular, Petitioners' members  
10 directly benefit from City of Salinas and downstream waters in the form of recreational fishing,  
11 hiking, swimming, photography, bird watching, surfing, and boating.

12 The Regional Board's failure to control storm water runoff through this SWMP has  
13 enormous consequences for the region and its residents. Storm water runoff, one of the largest  
14 sources of pollution to the coastal and other receiving waters of the nation, is a known problem in  
15 the City of Salinas region. Pollutants conveyed in storm water runoff now constitute one of the  
16 greatest sources of pollution to the region's waterways. Consequently, storm water pollution,  
17 which not only harms the environment, but also can cause serious human health impacts, is the  
18 most severe water quality problem facing the region.

19 In the past three decades, mass emissions of storm water runoff-borne pollutants have  
20 increased dramatically in urban and suburban areas of Central California. Additionally, several  
21 studies suggest a causal relationship between gastro-intestinal symptoms and recreational water  
22 quality. In this connection, storm water quality can greatly impact swimming and fishing, (both  
23 major recreational beneficial uses of City of Salinas and Monterey County waters), because  
24 pathogens carried by the storm water into the surf zone downstream of the City degrade water  
25 quality to the extent that it is unsafe for human contact. Further, the high concentrations of  
26 pollutants in storm water pollution adversely impact marine animals and plant life in City of  
27 Salinas and Monterey County waters. Because these beaches attract numerous visits from both  
28 residents and tourists each year, the magnitude of this problem is considerable. Ultimately, storm

1 water pollution can also translate into significant economic losses, because the economy of  
2 Monterey County relies heavily on coastal tourism.

3 In sum, these documented facts demonstrate the considerable negative impact on  
4 Petitioners' members and the environment that continues today as a result of the Regional Board's  
5 and the City's inability to control storm water pollution through the SWMP.

6 6. THE ACTION PETITIONERS REQUEST THE STATE BOARD TO TAKE:

7 Petitioners seek an Order by the State Board that:

8 Overturns the Regional Board's approval of the Storm Water Management Plan for  
9 the City of Salinas, Resolution No. R3-2008-0012.

10 Remands the matter to the Regional Board with specific direction to remedy each of  
11 its violations of law as described herein.

12 7. A STATEMENT OF POINTS AND AUTHORITIES FOR ANY LEGAL ISSUES  
13 RAISED IN THE PETITION, INCLUDING CITATIONS TO DOCUMENTS THAT ARE  
14 REFERRED TO:

15 *See Section 4, supra.*

16 8. A STATEMENT THAT COPIES OF THE PETITION HAVE BEEN SENT TO THE  
17 REGIONAL BOARD AND TO THE DISCHARGER:

18 A true and correct copy of this Petition was sent via First Class mail on March 6, 2008 to  
19 the Regional Board and Permittee at the following addresses:

20 Roger Briggs, Executive Officer  
21 California Regional Water Quality Control Board  
22 Central Coast Region  
23 895 Aerovista Place  
Suite 101  
San Luis Obispo, CA 93401

24 Denise Estrada  
25 Maintenance Services Director  
26 City of Salinas  
426 Work Street  
Salinas, CA 93901.

1 9. A STATEMENT THAT THE ISSUES RAISED IN THE PETITION WERE PRESENTED  
2 TO THE REGIONAL BOARD BEFORE THE REGIONAL BOARD ACTED, OR AN  
3 EXPLANATION OF WHY THE PETITIONER COULD NOT RAISE THOSE  
4 OBJECTIONS BEFORE THE REGIONAL BOARD:

5 Petitioners made every effort to resolve this matter before the Regional Board. The issues  
6 relevant to this Petition were raised by Petitioners in comment letters dated September 29, 2006,  
7 November 29, 2007, and December 20, 2007. These issues were further presented through written  
8 and oral testimony presented at the February 8th hearing. Copies of the comment letters and  
9 written testimony are part of the administrative record in this matter.

10  
11 Respectfully submitted via electronic mail and U.S. mail.

12  
13 Dated: March 5, 2008 NATURAL RESOURCES DEFENSE COUNCIL, INC.

14  
15  (by NG)

16  
17 David S. Beckman  
18 Noah J. Garrison  
19 James B. Lounsbury  
Counsel for the Natural Resources Defense Council, Inc.

20 Dated: March 5, 2008 MONTEREY COASTKEEPER

21  
22 

23  
24  
25 Steve Shimek  
26  
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# **Attachment A**



**California Regional Water Quality Control Board  
Central Coast Region**



**Linda S. Adams.**  
*Secretary for  
Environmental Protection*

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
(805) 549-3147 • Fax (805) 543-0397  
<http://www.waterboards.ca.gov/centralcoast>

**Arnold Schwarzenegger**  
*Governor*

February 21, 2008

Christopher Callihan  
Deputy City Attorney II  
City of Salinas  
200 Lincoln Ave.  
Salinas, CA 93901-2639

**SUBJECT: WATER BOARD RESOLUTION NO. R3-2008-0012 APPROVING CITY OF  
SALINAS STORM WATER MANAGEMENT PLAN**

Mr. Callihan:

The Central Coast Water Board approved the City of Salinas Storm Water Management Plan (SWMP) at the Water Board's February 8, 2008 meeting. With this letter, Water Board staff transmits Resolution No. R3-2008-0012 which approves the SWMP and finds it: 1) in compliance with Waste Discharge Requirements for the City of Salinas Municipal Storm Water Discharges (Order No. 2004-0135), 2) employs Best Management Practices (BMPs) to address the pollutants of concern, and 3) provides a logical progression of BMP implementation to meet a full program realization in a timely manner.

The City of Salinas is required to amend the SWMP no later than April 8, 2008, to include all the changes shown in "Final Table of June 2007 SWMP Required Revisions", Attachment A to the Resolution. Failure to make these revisions may subject the City of Salinas to enforcement action.

If you have any questions regarding this matter, please call **Matt Thompson (805) 542-3159** or send email to **[mthompson@waterboards.ca.gov](mailto:mthompson@waterboards.ca.gov)**.

Sincerely,

FOR Roger W. Briggs  
Executive Officer

***California Environmental Protection Agency***



cc:

Carl Nizawa, 200 Lincoln Ave., Salinas, CA 93901-2639

Denise Estrada and Michael Ricker, 426 Work St., Salinas, CA 93901

David Beckman: dbeckman@nrdc.org

Steve Schimick: exec@otterproject.org

Enclosure

S:\Storm Water\Municipal\Monterey Co\Salinas Phase I Permit\2008 Board items\February 2008\Salinas SWMP Approval and Status Report Final Documents\Cove rLtr Adopted Reso.doc



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place, Suite 101  
San Luis Obispo, California**

**RESOLUTION NO. R3-2008-0012  
February 7-8, 2008**

**City of Salinas Storm Water Management Plan  
Monterey County**

The Regional Water Quality Control Board, Central Coast Region ("Water Board") finds:

1. On December 8, 1999, the U.S. Environmental Protection Agency ("EPA") promulgated regulations under authority of the Clean Water Act ("CWA") Section 402(p). These regulations required National Pollutant Discharge Elimination System (NPDES) storm water permits for operators of municipal separate storm sewer systems ("MS4s") that discharge to waters of the U.S.
2. The CWA allows the EPA to delegate its NPDES permitting authority to states with an approved NPDES program. The State of California is a delegated State. The Porter-Cologne Water Quality Control Act (California Water Code Division 7) authorizes the State Water Resources Control Board (State Board), through the Regional Water Quality Control Boards, to regulate and control the discharge of pollutants into waters of the State and tributaries thereto. The City of Salinas is under the jurisdiction of the Central Coast Regional Water Quality Control Board (Central Coast Water Board).
3. On February 11, 2005, the Central Coast Water Board adopted Order No. 2004-0135 (NPDES Permit No. CA0049981) Waste Discharge Requirements for City of Salinas Municipal Storm Water Discharges ("Permit").

4. The Permit prohibits: a) Discharges from MS4s in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance (as defined in §13050 of the California Water Code) in waters of the State of California; and b) Discharges from MS4s that cause or contribute to the violation of water quality objectives or water quality standards (Permit, Discharge Prohibitions A.1 and 2, pg. 6)
5. The Permit prohibits: a) Discharges from MS4s that cause or contribute to the violation of water quality standards (designated beneficial uses and water quality objectives developed to protect beneficial uses) of Receiving Waters; and b) Discharges from the MS4 of storm water, or non-storm water for which a Permittee is responsible, which result in, or contribute to a condition of nuisance in Receiving Waters (Permit, Receiving Water Limitations, C.1 and C.2, pg.6-7).
6. The Permit requires the City to comply with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations C.1 and C.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP.
7. The Permit requires the City of Salinas ("City" or "Permittee") to revise its 1999 storm water management program ("SWMP"), and create a SWMP, approvable by the Executive Officer or the Central Coast Water Board, which is better-designed to reduce pollutant discharge to the maximum extent practicable ("MEP") and to protect water quality. The SWMP must contain Best Management Practices ("BMPs") that address eight components: Construction Site Management; Development Standards; Commercial/Industrial Facilities; Municipal Maintenance; Illicit Discharge Detection and Elimination; Public Education and Participation; Program Effectiveness; and Legal Authority. The SWMP must incorporate measurable goals and implementation time

schedules, and must be available for public review and comment. The SWMP is subject to a public hearing if one is requested prior to approval.

8. The SWMP requires the City to develop and implement programs and ordinances, and standards by 2010 to achieve MEP. The specific provisions of some of these programs will be developed after SWMP approval, and will be subject to public review and Central Coast Water Board approval.
9. The Central Coast Water Board found, verified through Permit adoption, that "increased volume, increased velocity, and discharge duration of storm water runoff from developed areas has the potential to greatly accelerate downstream erosion and impair stream habitat in natural drainages...When water quality impacts are considered during the planning stages of a project, new development and many redevelopment projects can more efficiently incorporate measures to protect water quality." (Permit, Finding No. 18)
10. One of the SWMP elements that the City will develop during the permit term is the Stormwater Development Standards which will regulate new and re-development post-construction. The City's Development Standards must include comprehensive requirements that maximize infiltration of clean groundwater, minimize the volume and velocity of runoff, minimize pollutant loading, and protect riparian and wetland habitat. This is necessary to protect water quality, beneficial uses, and the biological and physical integrity of watersheds, and can be accomplished with hydromodification controls and Low Impact Development (LID) design principles. To meet the MEP standard, the City must implement LID techniques.
11. The City created a Draft SWMP in July 2006. In response to Water Board staff review and comments, the City revised the July 2006 SWMP, and prepared two subsequent revised SWMPs based on staff comments. The outcome was a final Draft June 2007 SWMP.

12. Following public notice in accordance with State and federal laws and regulations, the Central Coast Water Board, in a public hearing on February 8, 2007, heard and considered all comments on the SWMP.
13. The Central Coast Water Board finds the SWMP to be consistent with the anti-degradation policies of 40 CFR Section 131.12, SWRCB Resolution 68-16, and the Central Coast Water Board's Basin Plan.
14. This action to approve the City's SWMP is exempt from the California Environmental Quality Act pursuant to Water Code Section 13389.
15. The Central Coast Water Board finds that the SWMP is designed to reduce the discharge of pollutants to the MEP standard established in the General Permit for these reasons: 1) The SWMP meets the City's Permit requirements including Attachment 4 Stormwater Management Program Revision Requirements; 2) the SWMP employs BMPs to address the pollutants of concern, except for BMPs that are not technically feasible in the locality, or whose cost would exceed the benefit to be derived, or where other selected BMPs achieve the same water quality protection or serve the same purpose, or where the cost of the BMPs would be prohibitive; and 4) the SWMP provides a logical progression of BMP implementation to meet a full program realization in a timely manner.

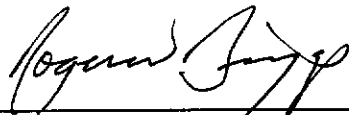
**THEREFORE, BE IT RESOLVED THAT:**

1. The Central Coast Water Board hereby approves the City of Salinas Storm Water Management Plan (SWMP), subject to Paragraph 2, below. The SWMP will become effective on the date this Resolution is adopted.
2. The City of Salinas is required to amend the SWMP no later than April 8, 2008, to include all the changes shown in "Final Table of June 2007 SWMP

Required Revisions", Attachment A to this Resolution. Failure to make these revisions may subject the City of Salinas to enforcement action.

3. The City of Salinas must provide a copy of the revised pages of the SWMP to the Water Board no later than April 8, 2008, pursuant to Water Code Section 13383.
4. Any person affected by this action may petition the State Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050 et seq. The State Board must receive the petition within 30 days of the date of adoption of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on February 8, 2008.



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Roger W. Briggs, Executive Officer

**ATTACHMENT A**  
**of**  
**Board Resolution No. R3-2008-0012**  
**February 7-8, 2008 Board Meeting Item 17**

**Final Table of June 2007 SWMP  
Required Revisions**

**Acronyms:**

BMP        - Best Management Practice  
MG         - Measurable Goal  
SWMP      - Storm Water Management Plan  
SWPPP     - Storm Water Pollution Prevention Plan

<b>Resolution Item Number</b>	<b>SWMP Section</b>	<b>Subject</b>	<b>Concern</b>	<b>Required Revisions</b>
2.a	BMP 6.10	Storm Drain stenciling	SWMP measurable goal is not specific.	Include a measurable goal that states the minimum number of events or students, or groups of students (i.e. 6 <sup>th</sup> graders, or 50% of Junior High students) that will occur or participate in the stenciling event.
2.b	BMP "6.11 and 6.17"	Public survey results	SWMP must explain how survey information will be used to improve the storm water program.	Include requirements for the City to utilize public survey information to modify, improve, or verify the applicability of the current BMPs.
2.c	BMP 6.15a and b, pg. 6- 20	Public outreach	SWMP indicates the education materials were developed in Year 2 (i.e. 2007). SWMP must include the documents it cites, or cross reference the location where a reviewer can see	Include references to, or the actual material described in BMP 6.15a and b.

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
			the documents.	
2.d	BMP 3.31	Pesticide BMP	SWMP must more specifically explain how the BMP will be implemented.	Modify BMP to describe the final destination of the pesticide tanks residue.
2.e	Applies to all sections of the SWMP	Permit year references	SWMP reference to implementation years needs to be linked with actual calendar years.	Define the numerical permit years (ie. Year 1, Year 2...) in the Summary of Best Management Practices tables, in terms of calendar years, with Permit Year 1 being 2005.
2.f	BMP 3.4	Public education and outreach	The current BMP must include methods for City staff's knowledge of storm water problems, to be translated into storm water program improvements.	Add wording that meets the following intention: "The reported information will be used to tailor Public Education and Outreach BMPs in future years. The lessons learned and City-responses or planned City-responses to lessons learned will be included in the Annual Report."
2.g	BMP 3.13	Illicit discharge	SWMP must cross reference the location where a reviewer can see the cited document. Current BMP wording is unrealistic; wording needs modification to accurately reflect an achievable action.	Add "The City staff will respond to 100% of the reported spills, using the Spill Convention and Response Plan (SCRIP)". The SCRIP plan must be included in the SWMP, or referenced in a manner the public can access.
2.h	Applicable General Plan and Zoning Code citations	Cross references	SWMP must include the documents it cites, or cross reference the location where a reviewer can see the documents.	Include the specific General Plan and Zoning Code citations that support Smart Growth principles.
2.i	Development (Element 4) Standards and/or Construction Site	Riparian zone protection	SWMP must include a BMP for riparian zone protection which aligns with the Basin Plan's 30-foot setback from watercourses, and also with the City's current General	See "Required Revision for Resolution 2.i" at the end of this table, below.



## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
	Management (Element 5).		Plan policy COS-17.	
2.j	Development Standards and/or Construction Site Management	Riparian zone protection	SWMP must explicitly show which BMPs support the SWMPs objective of, "protect waterways and stabilize drainage ways".	Link SWMP BMPs with the SWMP stated objective of "protect waterways and stabilize drainage ways" (SWMP pg. 5-4).
2.k	SWMP page 5-7	Development Standards	SWMP must state the protocol and City department which will determine or interpret construction site and development issues.	Include the protocol and party responsible for determining or interpreting disputed high- and low-priority construction sites, and tenant improvement designations
2.l	BMP on page 4-30. No BMP number given	Zoning Code	SWMP must provide a more defined date for Zoning Code revisions.	Provide a date-certain for Zoning Code revision. If the due date is later than 2008, include justification for the date.
2.m	SWMP citation of Permit Section Ve	Permit language	SWMP citation must properly quote the Permit citation.	Match Section V.e. citation to the Permit language, "Implement appropriate requirements for pesticide, herbicide, and fertilizer applications."
2.n	Introduction	Specific work items	SWMP is missing a description to the reader that the tables contain the specifics, while the text provides detailed background and context for BMP. Additionally, the tables are the equivalent of the Work Plan which is required by the Permit (per City Attorney's statement to	Add wording to the effect that, "specific work items and goals are included in the tables in each section. BMPs will implement provisions described in the text. The text is provided for background, intent, and/or additional information as needed on chosen BMPs and programs."

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
			this effect at 2007 Water Board public meeting).	
2.o	Applies to all sections of the SWMP	Due dates for BMPs	<p>1. Many of the BMPs do not have time frames indicating which year they will be completed. Some BMPs have due dates that reference "Year 'X' ", but this needs to be defined in relation to actual years.</p> <p>2. The SWMP is intended to cover the 5-year permit term. The SWMP tables are intended to be the City's Work Plan for the upcoming year (per City Attorney's statement to this effect at 2007 Water Board public meeting).</p>	<p>1. Include an easy-to-locate description of when BMPs will be fully implemented. This may be accomplished by adding a Timeline column to each BMP table in the Elements, with a corresponding due date given with each BMP, or by providing a blanket statement such as, "All BMPs contained in this document will be fully implemented by February 2010 (end of 2<sup>nd</sup> permit term), unless otherwise explicitly stated. "Year one" of the due dates is considered to be February 2005 – February 2006", or other method.</p> <p>2. Add a statement or BMP stating that City will submit updated tables each year with the Annual Report; the tables will serve as the City's Work Plan; any changes to the current tables will be prominently marked on the newly-submitted table.</p>
2.p	BMP 3.1,	Stenciling, signage of Drainage inlets	The measurable goals have no measurable quantity.	See "BMP specificity example" at the end of this table.
2.q	BMP 3.5	Drainage inlet hot spots, Repair schedule in Annual Work Plan (which year?)	The SWMP does not have a schedule in BMP 3.4 but refers to a "Repair" schedule.	In either BMP 3.4 or 3.5, add: all documents referenced in the SWMP will be posted to the City website, and the full web address provided in the SWMP at the place of document reference, or in a table of references for the entire SWMP. If electronic posting is not possible or not practicable, then make documents available for public review and state the method and location for public viewing in the SWMP.

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
2.r	BMP 3.2, 3.3	Municipal Maintenance: Inventory and Map Plan		All documents referenced in the SWMP will be posted to the City website, and the full web address provided in the SWMP at the place of document reference, or in a table of references for the entire SWMP. If electronic posting is not possible or not practicable, then documents must be available for public review and the method and location for public viewing must be described in the SWMP.
2.s	BMP 3.12	Typographic error	The wording in the Implementation Plan should read, "...scheduled as part <b>of</b> regular maintenance/repair...".	Correct typographic error.
2.t	BMP 3.12b	Inspect City-owned properties for SWMP and NPDES compliance	Document in "report", but unclear on what report is referenced.	Specify that reporting will be included in the Stormwater Annual Report.
2.u	BMP 3.14	Municipal maintenance and repair schedules, SWPPPs and field observations	This BMP <ol style="list-style-type: none"> <li>1. references SWPPPs which are not readily available, and</li> <li>2. uses criteria that are based on safety, not water quality.</li> </ol>	<p>1. Include all cross-referenced documents in the SWMP, or all documents will be posted to the City website and the full web address provided in the SWMP at each document reference location in the SWMP. If electronic posting is not possible or not practicable, then make documents available for public review and state the method and location for public viewing in the SWMP.</p> <p>2. Revise Implementation Plan section of the Table to include <u>water quality</u> as a criterion for repairs and improvements.</p> <p>3. For observation schedules, include quarterly observations at a minimum.</p>
2.v	BMP 3.17	mulch	BMP does not have a	Provide a measurable goal for mulch use.

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
			measurable goal of % parks, acreage, or other quantitative goal that the City will mulch.	
2.w	Pg. 3-19	Pesticide/herbicide  Pesticide Hazard and Exposure Reduction (PHAER) Zone concept	<ol style="list-style-type: none"> <li>1. Poor description of PHAER concept that is referred to like a program.</li> <li>2. Page 3-19, last sentence limits City's commitment to PHAER. Vague description of what the City will commit to do.</li> </ol>	<ol style="list-style-type: none"> <li>1. Provide reference where reader can learn more about PHAER program.</li> <li>2. Clarify what portion of PHAER they City is going to do and why only a portion of the program, and then can remove sentence, page. 3-19, "Resource limitations will limit the City's ability to implement all of the concepts contained within PHAER".</li> <li>3. If desired, replace the PHAER wording with a BMP that meets the intent of minimizing pesticide use, but which is more specific than the current language.</li> </ol>
2.x	BMP 3.19	Herbicide	BMP does not provide a Measurable Goal.	Provide a quantitative measurable goal, for example: 75% herbicide use reduction by 2009 from 2005 use-levels.
2.y	BMP 3.29	Landscape chemicals	BMP does not include a goal of reduced pesticide usage. Pesticide reduction is needed based on CCAMP findings of high pesticide in receiving waters.	Include quantitative measurable goal related to this BMP.
2.z	BMP 3.33	Typographic error	<p>Best Management Practice should read, "...where run-off may degrade water quality."</p> <p>Implementation Plan should read, "...immediately water-in to prevent downstream pollution or <i>plant</i> burn."</p>	Correct typographic error.

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
2.aa	BMP 3.35	"Watershed management" training. Film, <i>After the Storm</i> . Field maintenance manuals.	All cross-referenced documents must be included in the SWMP, or posted to the City website and the full web address provided in the SWMP at each document reference location in the SWMP	Include all cross-referenced documents in the SWMP, or all documents will be posted to the City website and the full web address provided in the SWMP at each document reference location in the SWMP. If electronic posting is not possible or not practicable, then make documents available for public review and state the method and location for public viewing in the SWMP.
2.bb	BMP 3.41	Landscape and building maintenance BMPs	Measurable Goal reads, "...emphasis on reducing environmental/personal injury..." and should read environmental <i>and</i> personal injury to fit with purpose of SWMP. The City should not use personal injury training as credit for stormwater protection training, which is not in keeping with the intent of the program and permit.	Change BMP to: "...emphasis on reducing environmental injury..."
2.cc	BMP 3.49	Storm drain stenciling	BMP does not have a measurable goal after June 2007.	Add measurable goals with an equivalent level of specificity as the example BMP in "BMP specificity example" at the end of this table.
2.dd	Page 4-17	City's Storm Water Master Plan	All cross-referenced documents must be included in the SWMP, or posted to the City website and the full web address provided in the SWMP at each document reference location in the SWMP	Include all cross-referenced documents must be included in the SWMP, or all documents will be posted to the City website and the full web address provided in the SWMP at each document reference location in the SWMP. If electronic posting is not possible or not practicable, then make documents available for public review and state the method and location for public viewing in the SWMP.
2.ee	Sections C, f,	Updating	SWMP discusses	1. Re-word sections to explain that the consultant has

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
	g, H, and J beginning on page 4-10	City's Zoning Code, Grading Standards, Storm Water Ordinance, Storm Water Master Plan, and City's Standard Specification Document,	Kennedy/Jenks review of existing documents as if it is a future event. The consultant released its comments in Technical Memorandum No. 1 (Tech Memo) on Dec. 31, 2006. This information should have been incorporated into this SWMP version, or into Ordinances, Codes, and Standards referenced in the Tech Memo.	already reviewed and commented on the relevant documents.  2. Include Tech Memo as appendix or place on-line and include web address.
2.ff	Pg. 4-12, first paragraph	Development Design Standards		First sentence should read, "A Development Design Standards Plan for LID implementation in new <b>and re-</b> development..."
2.gg	Pg. 4-24 "will be considered BMPs" wording in item #1, last sentence, and item #2, first sentence and other places		This wording is unclear. Wording must say if these items are required. If these items are BMPs, they should have associated measurable goals	If using wording equal or similar to "will be considered BMPs", add to the SWMP a directive that such BMPs must be followed unless the applicant has clearly demonstrated and documented that such BMP is ineffective or overly burdensome. Add wording that, the City will retain documentation and provide compliance levels for such BMPs in the City's Stormwater Annual reports.
2.hh	Pg. 5-2 and 5-4	Element 5 "three principle Goals", and	On pg. 5-2, Section 5.2, paragraph 2 the first goal is to develop performance standards and put them into	Insert BMPs that measure effectiveness by including a BMP to track and report patterns or trends in site compliance, or varying degrees of compliance, and to analyze the effectiveness of BMPs in Element 5.

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
		Construction Objectives	daily practice. Third goal paraphrased says the goal is to ensure program effectiveness. This is unclear how will the City determine whether the actions it is taking are effective in improving stormwater runoff. The Annual Report discussion on effectiveness should answer this, and the SWMP should provide a way to determine effectiveness. For example, the City should explain how they will track whether the brochures, training, and enforcement are resulting in the City meeting the Construction Objectives.	
2.ii	BMP 6.10	Include quasi-governmental agencies	BMP does not have a goal for creating joint programs with schools	Add measurable goal which includes a quantifiable <u>goal</u> , not just reporting the "number of events and/or number of students involved", with an equivalent level of specificity as the example BMP in "BMP specificity example" at the end of this table.
2.jj	BMP 6.13	Storm drain stenciling and signs	1. The measurable goal does not discuss stenciling. 2. The measurable goal does not give specific number or percentage of	Add measurable goal with an equivalent level of specificity as the example BMP in in "BMP specificity example" at the end of this table .

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
			drains stenciled.	
2.kk	BMP 6.11	Homeowner automobile washing	The permit also requires the City to outreach to residential auto repair, washing, but it is not clear where that is contained in SWMP? Our basis for concern are the identified Pollutants of Concern, and Permit requirements	Add to Salinas BMP 6.14, "Subjects will include auto repair, auto washing, fertilizer, pesticide and herbicide management, and pet waste disposal."
2.ll	BMP 6.14	Media outreach	It is unclear how the City will choose the most effective advertising media. (The basis for this requirement is City staff's verbal statement that the City will determine where to effectively advertise with Arbitron)	Add wording similar to: "Arbitron program will be used to determine market share of each radio station and TV. Arbitron looks at time slots as well as public use."
2.mm	BMP 6.15b	Teacher training	The measurable goal for 6.15b was removed.	Add measurable goal. with equivalent detail as the following example: "In the first year, 10% of teaching staff, representing 25% of all schools in the district will attend. Second year goal is to reach 10% of teaching staff from a new set of 25% of all schools."
2.nn	BMP 6.17 on page 6-24	Public awareness survey	<ol style="list-style-type: none"> <li>1. When comparing yr. 2 survey against year 5 survey, better to try and hold variables constant to get better comparison.</li> <li>2. Measurable goal does not address how the City will use the survey</li> </ol>	<p>In BMP "6.11 and 6.17," include requirements for the City to utilize public survey information to modify, improve, or verify the applicability of the current BMPs.</p> <p>Remove BMP 6.17 from the BMP 6.11 on page 6-17</p>



## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
			information. 3. There is a BMP 6.17 on page 6-17 that differs from the BMP 6.17 on page 6-24.	
2.oo		BMP numbering in element 4, 5, and 7	BMPs are hard to reference for discussions/review.	Number all BMPs matching the format used in Elements 3, 6, and 8.
2.pp	BMP "IV.d", page 7-10	"Require BMPs for all industrial and high-risk commercial facilities."	Stormwater Management Plan, Stormwater Ordinance and Grading Standards (Appendix C of SWMP) are referenced, but it is unclear which portions of the documents support the BMP.	Cross reference the section in the Ordinance(s) that supports this BMP.
2.qq	Page 7-4, Section B		Typo in reference in Section B, 3 <sup>rd</sup> paragraph	Change Section B, 3 <sup>rd</sup> paragraph to, "...during an inspection described in Section 7.4.a..."
2.rr	Page 7-4, Section C	City's Industrial Inspection Guidance Manual, 2000	All cross-referenced documents must be included in the SWMP, or posted to the City website and the full web address provided in the SWMP at each document reference location in the SWMP	Include all cross-referenced documents in the SWMP, or All documents posted to the City website and the full web address provided in the SWMP at each document reference location in the SWMP. If electronic posting is not possible or not practicable, then make documents available for public review and state the method and location for public viewing in the SWMP.
2.ss	BMP 7.8 Implementation Plan	BMP enforcement	Need to link the narrative to the BMP.	Add: "Follow progressive enforcement procedure described in Element 7 narrative and contained within Element 10..."
2.tt	BMP 7.9 Implementation Plan	Non-compliance	First sentence of 4 <sup>th</sup> paragraph is confusing.	Change to "Determination of "non-compliance" will be based upon a party's not meeting the City's Code of the written requirements, and/or the party's failure to remedy the non-compliant condition."

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
2.uu	BMP 8.2 Implementation Plan	Salinas Spill Response Plan	Web address for Spill Response Plan is not complete	Place full web address to Spill Response Plan in the BMP.
2.v v	BMP 8.6 Measurable Goal	Illicit discharge – used oil and toxic materials	Quantitative goals are not included.	Add specifics on when SWSWA partnership will be developed, number of people that outreach will project to reach, and who target audiences are.
2.ww	BMP 8.7 Measurable Goal	Illicit discharge – used oil and toxic materials	Need effectiveness feedback analysis.	Add BMP to analyze trends in illicit discharge activities and analyze whether enforcement mechanisms are effective.
2.xx	Applies to all sections	Permit requires City to measure program effectiveness.		<p>1. Add BMP that: a) the City will create and maintain a list of identified sources of water quality data collected in the City from data currently submitted to the RWQCB as required by other parties' WDR and NPDES permits, Central Coast Ambient Monitoring Data, organized citizen monitoring efforts, and other water sampling if available; and b) The identified data sources will be analyzed as needed to improve characterization of water quality problems when they arise.</p> <p>2. Add to each Element, or include overarching BMP(s) that tracks trends and patterns in actions or outcomes related to the Element(s). Add a BMP to report this information in the annual Report.</p>
2.yy	Appendix C	Ordinance Amending Chapter 29 of the Salinas City Code Regarding Stormwater	This ordinance is presented as final, however it does not have final signatures.	<p>Replace with the adopted version containing final signatures of mayor and city clerk.</p> <p>Update wording on Page 10-2, section 10.3, 2<sup>nd</sup> paragraph to indicate final ordinances are included in SWMP.</p>

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
		Management and Discharge Control		
2.zz	Appendix C	Standards to control excavations, cuts fills, clearing, grading, erosion and sediment (Grading Ordinance)	Standards are presented as final, however version does not match adopted Final version. For example, see Ref. No. 42.	Replace with the adopted version, with final signatures of mayor and city clerk.
2.aaa	Applies to all sections of the SWMP	Public notice and public input	The Permit requires, and the Water Board (in response to written and verbal public comments) has directed the City to ensure the public has ample opportunity for review and comment on storm water related issues. These issues include, but are not limited to, the SWMP, design standards, ordinances.	Include in SWMP Element 6, a BMP that requires the following: City will make all reasonable attempts to provide a 30-day or more public notice and opportunity for public comment for stormwater- or riparian protection-related documents prepared for City Council adoption. At the minimum, City will provide a 10-day public review period for storm water- or riparian protection-related ordinances, standards, and modifications to the SWMP. The City will provide notice of the availability of such documents by posting on the internet and by direct notice to those persons who have requested notification of such proposed actions. Notice of availability will occur at least 10-days prior to the meeting at which the document is presented for adoption or approval. The City must clearly communicate how public comments were evaluated and used to change documents. The City staff must respond to all substantive public comments in a timely manner in a written format. The measurable goal(s) will include compliance with this BMP, as demonstrated by submittal to Regional Board staff of all

## Attach. A – Final Table of June 2007 SWMP Required Revisions

Resolution Item Number	SWMP Section	Subject	Concern	Required Revisions
				public notices on storm water related documents and City Council actions and all City responses to public comments received following posting of such notices.

**Resolution Wording continued****Required Revision for Resolution 2.i:**Best Management Practice or Activity

Comply with City of Salinas General Plan COS-17 and the Water Quality Control Plan Central Coast Region (Basin Plan) Section V.G.4.

Implementation Plan

New and re-development projects must comply with the City of Salinas General Plan COS-17 and maintain at a minimum a 30-foot setback whenever possible, consistent with the Basin Plan Section V.G.4. (To be implemented by City planning staff through plan review and approval process, and City construction staff during construction inspections).

"Development" activities include construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining excavation, landfill or land disturbance, and any use or extension of the use of land. For this Best Management Practice, "land disturbance" includes clearing, grading, grubbing, and removal of significant vegetation canopy or herbaceous ground cover.

City staff will notify Water Board staff within 15-days prior to the City's approval of projects that do not meet the COS-17 requirement for a 100-foot setback. Notification will include the project name, location, reason for the exception to the COS-17 setback requirement, and City Planner-approved setback (if any) for the project.

Exceptions to the 30-foot setback minimum may be made through application of the City's approval process and based upon consideration of recommendations from a biotic resources study or a hydrology report, or upon a finding that this setback minimum is inconsistent with federal and state law.

Attach. A – Final Table of June 2007 SWMP Required Revisions

Year

3

Measurable Goal

All new and re-development projects within the City's planning area as indicated on Figure LU-1 of the General Plan Land Use Element will conform to General Plan COS-17, and at a minimum will include a 30-foot setback whenever possible.

All new and re-development projects that cannot meet the 100-foot setback will be reported to the Water Board staff within 15-days prior to plan approval by City staff.

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